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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,888	04/14/2004	Julia T. Lathrop	51821-0121 (51821-299534)	7107
47234 7590 01/12/2007 LAW OFFICES OF KHALILIAN SIRA, LLC 9100 PERSIMMON TREE ROAD POTOMAC, MD 20854			EXAMINER COUNTS, GARY W	
			ART UNIT 1641	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
31 DAYS	01/12/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/823,888

Applicant(s)

LATHROP ET AL.

Examiner

Gary W. Counts

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04/14/04.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-19 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

**DETAILED ACTION**

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-16, 19 and SEQ ID NO 1 as recited in claim 17, drawn to a method, classified in class 435, subclass 6.
  - II. Claims 1-16, 19 and SEQ ID NO 2 as recited in claim 17 drawn to a method, classified in class 435, subclass 7.1.
  - III. Claims 1-16, 18, 19, SEQ ID NO 3 as recited in claim 17 drawn to a method, classified in class 436, subclass 501.
  - IV. Claims 1-16, 19 and SEQ ID NO 4 as recited in claim 17, drawn to a method, classified in class 435, subclass 7.92.
  - V. Claims 1-16, 19 and SEQ ID NO 5 as recited in claim 17, drawn to a method, classified in class 436, subclass 518.
  - VI. Claims 1-16, 19 and SEQ ID NO 6 as recited in claim 17, drawn to a method, classified in class 435, subclass 7.93.
  - VII. Claims 1-16, 19 and SEQ ID NO 7 as recited in claim 17, drawn to a method, classified in class 435, subclass 973.
  - VIII. Claims 1-16, 19 and SEQ ID NO 8 as recited in claim 17, drawn to a method, classified in class 435, subclass 962.
  - IX. Claims 1-16, 19 and SEQ ID NO 9 as recited in claim 17, drawn to a method, classified in class 436, subclass 524.

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- X. Claims 1-16, 19 and SEQ ID NO 10, drawn to a method as recited in claim 17, classified in class 435, subclass 7.94.
- XI. Claims 1-16, 19 and SEQ ID NO 11 as recited in claim 17, drawn to a method, classified in class 435, subclass 7.95.
- XII. Claims 1-16, 19 and SEQ ID NO 12 as recited in claim 17, drawn to a method, classified in class 436, subclass 540.
- XIII. Claims 1-16, 19 and SEQ ID NO 13 as recited in claim 17, drawn to a method, classified in class 435, subclass 7.1.
- XIV. Claims 1-16, 19 and SEQ ID NO 14 as recited in claim 17, drawn to a method, classified in class 436, subclass 518.
- XV. Claims 1-16, 19 and SEQ ID NO 15 as recited in claim 17, drawn to a method, classified in class 436, subclass 527.
- XVI. Claims 1-16, 19 and SEQ ID NO 16 as recited in claim 17, drawn to a method, classified in class 436, subclass 164.
- XVII. Claims 1-16, 19 and SEQ ID NO 17 as recited in claim 17, drawn to a method, classified in class 436, subclass 173.
- XVIII. Claims 1-16, 19 and SEQ ID NO 18 as recited in claim 17, drawn to a method, classified in class 435, subclass 7.9.
- XIX. Claims 1-16, 19 and SEQ ID NO 19 as recited in claim 17, drawn to a method, classified in class 435, subclass 7.5.
- XX. Claims 1-16, 19 and SEQ ID NO 20 as recited in claim 17, drawn to a method, classified in class 436, subclass 525.

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XXI. Claims 1-16, 19 and SEQ ID NO 21 as recited in claim 17, drawn to a method, classified in class 435, subclass 971.

XXII. Claims 1-16, 19 and SEQ ID NO 22 as recited in claim 17, drawn to a method, classified in class 436, subclass 89.

Groups I-XXII are drawn to a plurality of patentably distinct inventions (ligands identified comprising materially different amino acid sequences as evidenced by separate SEQ ID Numbers). These separate and distinct ligands bear distinct structural or biochemical properties as substantiated by their separate SEQ ID numbers having different epitopes for binding with unique and diverse binding partners. Therefore, each discloses patentably distinct ligand is considered a separate invention.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, and the search required for one group is not required for other restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary W. Counts whose telephone number is (571) 2720817. The examiner can normally be reached on M-F 8:00 - 4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le can be reached on (571) 272-0823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gary Counts  
Examiner  
Art Unit 1641  
January 5, 2007



LONG V. LE 01/08/07  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600